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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,192	09/21/2001	Douglas B. Adams	BLD920010009US1	8223
23550 7590 01/28/2008 HOFFMAN WARNICK & D'ALESSANDRO, LLC 75 STATE STREET 14TH FLOOR ALBANY, NY 12207				
EXAMINER SHEIKH, ASEFAND M				
ART UNIT 3627		PAPER NUMBER		
NOTIFICATION DATE 01/28/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@hwdpatents.com

Office Action Summary

Application No.

09/961,192

Applicant(s)

ADAMS ET AL.

Examiner

Asfand M. Sheikh

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 8, 13 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 8, 13 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Notice to Applicant

The amendment filed on 11/13/2007 has been entered. Claims 1, 8, 13, and 22 are pending for examination and claims 2-7, 9-11, and 14-21 are cancelled. The examiner maintains the same grounds of rejection therefore this action is made final.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 8, 12, 13, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barbosa et al. in view of Horton, Morris et al., Edgar, Morrow et al., Bridgelall, and Park et al.

Barbosa et al. teaches a single hand-held portable computing device (see at least, col. 5, lines 35-51); a wireless interface adapted for connecting the portable computing device to a network via a wireless access protocol (see at least, col. 5, lines col. 5, lines 35-51 and col. 6, lines 28-39); software installed on the portable computing device (see at least, col. 7, lines 42-45); wherein the software includes a data entry

module adapted to record information (see at least, col. 7, lines, 47-48 and col. 8, lines 4-10); wherein the software includes a work order management module adapted to manage work orders (see at least, col. 10, lines 32-67); a billing module adapted to generate billing information (see at least, col. 10, lines 20-22); a global positioning system attached to the portable device (see at least, col. 6, lines 40-57); and asset tracking software, installed on the portable computing device (see at least, col. 6, lines 40-57), updating data via infrared communication means (see at least, col. 6, lines 27-30) and wherein the asset tracking software includes a mapping module adapted to provide a real-time map based on a GPS location of the tool (see at least, col. 6, lines 40-57).

Barbosa et al. is silent with respect to knowledge based software, a time tracking module adapted to track user time, an electronic signature module adapted to receive electronic signature on the portable computing device, and messaging software, asset tracking software, installed on the portable computing device, for receiving an asset GPS location from the asset via the wireless interface, for directing the service technician to the asset, via the wireless interface, wherein the asset tracking software includes travel time calculating module

adapted to calculate the travel time from the first location to a second location.

Horton et al. teaches knowledge-based software installed on the portable computing device (see at least abstract, col. 3, lines 40-49, col. 5, lines 60-67 and col. 6, lines 1-3).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Barbosa et al. to include knowledge base software installed on the portable computing device as taught by Horton et al. One of ordinary skill in the art would have been motivated to combine the teachings in order to analyze multiple sources of information and derive a sound strategy that will allow the user to assess the assets situation (see at least col. 3, lines 20-49).

Morris et al. teaches that software that includes a time tracking module adapted to track user time (Morris et al, see at least, col. 6, lines 11-22).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Barbosa et al. to include software that includes a time tracking module adapted to track user time as taught by Morris et al. One of ordinary skill in the art would have been motivated to combine the

teachings in order to improve tracking service work (see at least, col. 2, lines 3-6) teaches that software that includes a time tracking module adapted to track user time (see at least, col. 6, lines 11-22).

Edgar teaches receiving electronic signatures on the portable computing device (Edgar et al., see at least, abstract).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Barbosa et al. to include receiving electronic signatures on the portable computing device as taught by Edgar. One of ordinary skill in the art would have been motivated to combine the teachings in order to verify the release information regarding the asset (see at least, col. 6, lines 28-45).

Morrow et al. teaches software that includes instant messaging software (Morrow et al, see at least, 0037 and 0041).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Barbosa et al. to include software that includes instant messaging software as taught by Morrow et al. One of ordinary skill in the art would have been motivated to combine the teachings in order to be able

to reach user of the portable computing device in a quick and efficient manner.

Bridgelall teaches asset tracking software, installed on the portable computing device, for receiving an asset GPS location from the asset via the wireless interface, for directing the individual to the asset, via the wireless interface (see at least, col. 6, lines 4-65)

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Barbosa et al. to include asset tracking software, installed on the portable computing device, for receiving an asset GPS location from the asset via the wireless interface, for directing the individual to the asset, via the wireless interface as taught by Bridgelall. One of ordinary skill in the art would have been motivated to combine the teachings in order to track the location of the asset with a greater degree of resolution (see at least, col. 1, 59-60).

Park et al. teaches a travel calculating module adapted to calculate travel time from a first location to second location (see at least, col. 2, lines 27-43 and col. 5, lines 11-22).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the combination of Barbosa et al. to include travel calculating module adapted to calculate travel time from a first location to second location as taught by Park et al. One of ordinary skill in the art would have been motivated to combine the teachings in order accurately compute an average time and speed taken for traveling from a start point to an end point (see at least, col. 5, lines 56-61).

Response to Arguments

Applicant's arguments filed 11/13/2007 have been fully considered but they are not persuasive.

The applicant argues the sheer amount of references and how they degrade Barbosa reference and makes the rejection untenable by destroying the Office's motivation to modify. The examiner disagrees. The examiner notes that proper motivation was cited for all the combinations with the Barbosa. This argument is not persuasive.

The applicant argues that the combination of references fails to teach "a tool for use by a service technician to find and service an asset that is geographically dispersed from other assets and asset tracking software, installed on the portable

computing device, for receiving an asset GPS location from the asset via the wireless interface, for directing the service technician to the asset, and for updating asset data, including the asset GPS location, via the wireless interface." The examiner disagrees.

The examiner notes that Barbosa teaches a single hand-held portable computing device (see at least, col. 5, lines 35-51); a wireless interface adapted for connecting the portable computing device to a network via a wireless access protocol (see at least, col. 5, lines 35-51 and col. 6, lines 28-39); software installed on the portable computing device (see at least, col. 7, lines 42-45); a global positioning system attached to the portable device (see at least, col. 6, lines 40-57); and asset tracking software, installed on the portable computing device (see at least, col. 6, lines 40-57: the examiner notes that one can route a door-to-door route to any two locations (e.g. tool location and asset location), updating data via infrared communication means (see at least, col. 6, lines 27-30: the examiner notes the device can exchange information with other devices or assets (e.g. PC) via infrared means and allow for exchange and updating of information by ways) and wherein the asset tracking software includes a mapping module adapted to provide a real-time map based on a GPS

location of the tool (see at least, col. 6, lines 40-57). Based on the following cited columns and lines from the Barbosa teaching the examiner notes that this is a tool for use by a service technician that utilizes GPS to aid in navigation and providing constant directions to the service technician. Further Barbosa teaches that the service tool can update an asset via infrared means. The examiner sought to combine Bridgelall to teach asset tracking. Bridgelall teaches tracking location from the assets via RFID/RFDC means and providing location information for said asset (see at least, col. 6, lines 21-39). Further Bridgelall teaches that it can also allow for finding the quickest route to said asset (see at least, col. 6, lines 4-10: the examiner notes "find the quickest route to a desired location"). Further Bridgelall teaches that software to perform asset tracking can be placed on a portable device (see at least, col. 6, lines 11-20: the examiner notes the customer's self-shopper to be a personal portable device). Based on the following cited columns and lines from the Bridgelall teaching the examiner notes that the examiner notes that asset tracking can be performed by using location information associated with the asset and allowing the route and location to be determined by some forms of identification on the asset. Based on the two teachings the combination teaches what the applicant claims.

The GPS of Barbosa can be modified to incorporate the asset tracking features of a Bridgelall's assets in order to map and provide a real time map. The examiner notes that proper motivation was provided and the combination teaches all that is claimed, therefore this argument is not persuasive.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asfand M. Sheikh whose telephone number is (571)272-1466. The examiner can normally be reached on M-F 8a-4:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan M. Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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1/16/2008